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5 Attorney for Plaintiff
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7

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 PAUL LOPEZ, an individual,

Case No. 2:16-cv-00218-APG-GWF

11 Plaintiff,

MOTION AND ~~PROPOSED~~ ORDER TO
SUBSTITUTE PARTY
(Fed. R. Civ. P., Rule 25(a))

12 v.

13 CLARK COUNTY, ex. rel. CLARK COUNTY
FIRE DEPARTMENT, a political subdivision of
14 the State of Nevada; CLARK COUNTY FIRE
FIGHTERS' LOCAL 1908, an employee
15 bargaining unit, a Nevada non-profit
corporation; EMPLOYEE(S) AGENT DOES I
16 through V, inclusive; and ROE ENTITIES I
through V, inclusive; SUSAN VINCENT, an
17 individual; DR. SUSAN VINCENT, a Nevada
limited liability company,

18 Defendants.
19 _____/

20 Plaintiff PAUL LOPEZ ("Plaintiff"), through his lawyer, Andrew L. Rempfer of LAW OFFICES
21 OF STEVEN J. PARSONS, hereby moves the Court for an Order substituting as Plaintiff, herein,
22 GEORGE C. SWARTS, CPA, an individual, upon the death of Plaintiff and the appointment of
23 GEORGE C. SWARTS, CPA, as Special Administrator for Plaintiff.

24 This Motion is brought upon Fed. R. Civ. P., Rule 25(a), the following Memorandum of
25 Points and Authorities, the attached Declaration of Plaintiff's counsel, Andrew L. Rempfer, the
26 exhibit attached hereto, and on what other evidence the Court may adduce at any hearing
27 upon the Request.

1 ///

2 Dated: Thursday, September 1, 2016. Respectfully Submitted By:

3 LAW OFFICES OF STEVEN J. PARSONS

4 /s/ Andrew L. Rempfer
5 ANDREW L. REMPFER
6 Nevada Bar No. 8628

7 Attorney for Plaintiff
8 PAUL LOPEZ & GEORGE C. SWARTS, C.P.A.

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8 CERTIFICATE OF SERVICE BY E-FILING

9 I hereby certify that service of the foregoing Motion and Order to Substitute Parties was
10 made upon Defendant CLARK COUNTY FIRE DEPARTMENT's counsel, LEWIS BRISBOIS BISGAARD
11 & SMITH, LLP, DR. SUSAN VINCENT and SUSAN VINCENT's counsel Wilson Elser of WILSON
12 ELSER MOSKOWITZ EDELMAN & DICKER, LLP and CLARK COUNTY FIRE FIGHTERS' LOCAL 1908's
13 counsel DAVID COWELL & BOWE, LLP, by e-filing with the Court's CM/ECF system, duly noting that
14 each Defendant has consented to service of this document by joining the Court's CM/ECF
15 electronic service system

16 Dated: Thursday, September 1, 2016.

17 /s/ Kenia Gutierrez
18 An Employee of LAW OFFICES OF STEVEN J.
19 PARSONS

19 MEMORANDUM OF POINTS AND AUTHORITIES

20 On September 01, 2016, the Probate Court of the Eighth Judicial District Court, Clark
21 County, Nevada ("Probate Court"), entered an Order, appointing George C. Swarts, CPA, the
22 Special Administrator for Plaintiff. A copy of the September 01, 2016 Order of the Probate
23 Court is attached hereto and incorporated herein as Exhibit "1".

24 Fed. R. Civ. Proc., Rule 25 (a) provides:

25 (a) Death.

26 (1) Substitution if the Claim is Not Extinguished. If a party dies
27 and the claim is not extinguished, the court may order

1 substitution of the proper party. A motion for substitution may be
2 made by any party or by the decedent's successor or
3 representative. If the motion is not made within 90 days after
4 service of a statement noting the death, the action by or against
5 the decedent must be dismissed.

6 As Special Administrator, George C. Swarts, CPA, steps into the same position as
7 Plaintiff.

8 Wherefore, Plaintiff hereby moves this Court for an Order to allow the substitution of
9 these parties, namely, George C. Swarts, CPA, as Special Administrator for Plaintiff, and
10 therefore a Plaintiff, herein, instead of Plaintiff, Paul Lopez.

11 Further, Plaintiff seeks the Court's Order directed to the Clerk of the Court, that the
12 caption and all of the records of this case be changed to show that George C. Swarts, CPA,
13 is now substituted for Paul Lopez, and as a Plaintiff, herein. A proposed caption is submitted
14 as Exhibit "2" to this Motion.

15 Dated: Thursday, September 1, 2016. Respectfully Submitted By:

16 LAW OFFICES OF STEVEN J. PARSONS

17 /s/ Andrew L. Rempfer
18 ANDREW L. REMPFER
Nevada Bar No. 8628

19 Attorney for Plaintiff
20 PAUL LOPEZ & GEORGE C. SWARTS, C.P.A.

21
22 DECLARATION OF ANDREW L. REMPFER, ESQ.

23 Andrew L. Rempfer, Esq., pursuant to 28 U.S.C. § 1746, declares under the penalty
24 of perjury the following:

- 25 1. I am an attorney, licensed in Nevada. I am the attorney of record for Plaintiff,
26 Paul Lopez, having been retained by Paul Lopez before the commencement of this case.
- 27 2. I prepared the foregoing Motion to Substitute Parties. It is true and correct to

1 my personal knowledge, and where applicable, I assert I believe it to be true.

2 3. I maintain and supervise the day-to-day maintenance of my offices' records. I
3 can attest that the attached Order, attached as Exhibit "1", is a true and correct copy of the
4 Order as entered by the Court.

5 FURTHER, YOUR DECLARANT SAYETH NAUGHT.

6 Dated: Thursday, September 1, 2016.

7 /S/ ANDREW L. REMPFER, ESQ.

8 DECLARANT

9 ORDER

10 Pursuant to the foregoing Motion, and for good cause appearing,

11 IT IS SO ORDERED.

12 Dated: September 13, 2016.



13 UNITED STATES MAGISTRATE JUDGE